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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,048	07/26/2005	Karl-Heinz Spether	2693-009/NP	3918

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EXAMINER

TRUONG, THANH K

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/522,048

Applicant(s)

SPETHER, KARL-HEINZ

Examiner

Thanh K. Truong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1-19-05 & 4-21-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's cancellation of claims 1-6 is acknowledged.

Information Disclosure Statement

2. The information disclosure statement filed January 19, 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The document which has not been considered has been lined through on the IDS (GB 784,257).

Specification

3. The disclosure is objected to because of the following informalities:

"The invention relates to a closing cone for screwing screw..., in accordance with the preamble of claim 1." in the first paragraph of page 2 is improper. The specification should not be referred to the claim, because in the process of the prosecution of the application, the claim may be canceled, amended or withdrawn, and the canceled (or amended or withdrawn) claim will render the disclosure indefinite or invalid. Other similar recitations through out the specification also need to be corrected.

different reference numbers for the same part – "friction ring 39" (page 6, line 2) and "friction ring 35" (page 6, line 7). Other similar informalities through out the specification also need to be corrected.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Zanini et al. (5,467,527).

Zanini et al. discloses an apparatus comprising:

a receiving part (63);

a pick ring (134) non-rotatably coupled with the receiving part, the pick ring including a plurality of movable segments (86);

an actuation system that adjusts the movable segments to vary an inner diameter of the pick ring (member (134) is adjustable – column 5, lines 58-60), the actuation system including a cone-taper coupling between the receiving part and at least one of the movable segments (figures 5-8 show that movable segments (86) comprising cone-taper at the top coupling between the receiving part and the movable segments at (82 and 132); and

a pick-up system including a spring system (140) acting on at least one of the movable segments (86), the spring system selectively exerting a biasing force on the at least one movable segment in the direction of a central axis of the closing cone;

wherein the cone-taper coupling selectively squeezes together the movable segments (figures 5-6).

Zanini et al. further discloses:

Regarding claim 8, wherein the spring system is provided with at least one spring ring engaging at least one of the segments (it is construed that spring 140 contains at least one spring ring – figures 5-8).

Regarding claim 9, wherein the pick-up system includes at least one ball (132) that is selectively subjected to a compliant force.

Regarding claim 10, wherein the actuation system includes a resetting device (87).

Regarding claims 11 and 12, wherein the pick-up ring includes a device for increasing the holding power on an inner surface thereof (figures 5 and 6 show teeth like surfaces at end of members (134) that provide the holding power on the cap), and the apparatus comprising a torque transfer system (the capping device transfers torque from the drive to rotate the cap).

Conclusion

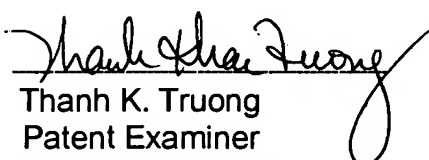
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Thanh K. Truong
Patent Examiner
September 4, 2006.